

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODERICK JOHNSON,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 21-4860
	:	
v.	:	
	:	
CITY OF READING, ANGEL CABRERA,	:	
BRUCE DIETRICH, COUNTY OF	:	
BERKS, MARK C. BALDWIN, and	:	
EDWARD D. RATAJACK, executor of the	:	
estate of Joseph Stajkowski,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 6th day of February, 2023, after considering: (1) the complaint filed by the plaintiff, Roderick Johnson (Doc. No. 1); (2) the motion to dismiss portions of the complaint filed by Defendants Angel Cabrera and the City of Reading (Doc. No. 5); (3) the motion to dismiss portions of the complaint filed by Defendant Mark C. Baldwin (Doc. No. 8); (4) the motion to join Defendants Angel Cabrera and the City of Reading's motion to dismiss filed by Defendant Bruce Dietrich (Doc. No. 21); (5) the plaintiff's responses in opposition to the motions to dismiss and motion to join (Doc. Nos. 14, 15, 22); (6) Defendants Angel Cabrera and the City of Reading's reply brief in further support of their motion to dismiss (Doc. No. 16); (7) Baldwin's reply brief in further support of his motion to dismiss (Doc. No. 19); (8) the arguments from counsel during oral argument on the motions; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court shall **REMOVE** this matter from civil suspense and **RETURN** it to the undersigned's active docket;

2. Defendant Bruce Dietrich's motion for joinder (Doc. No. 21) is **GRANTED**. The court has considered the arguments raised in Angel Cabrera and the City of Reading's motion to dismiss and reply brief as applicable to Bruce Dietrich;

3. Defendants Angel Cabrera, Bruce Dietrich, and the City of Reading's motion to dismiss (Doc. No. 5) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion is **GRANTED** with respect to the plaintiff's claims for violations of the Pennsylvania Constitution in counts IX and XI of the complaint. Those causes of actions are **DISMISSED WITH PREJUDICE**;

b. The motion is **GRANTED** with respect to the plaintiff's claim for abuse of process in Count XII of the complaint. This cause of action is **DISMISSED WITH PREJUDICE**;

c. The motion is **GRANTED** with respect to the plaintiff's claims for punitive damages against the City of Reading; and

d. The motion is **DENIED** in all other respects;

4. Defendant Mark C. Baldwin's motion to dismiss (Doc. No. 8) is **GRANTED**. The plaintiff's claims against Mark C. Baldwin for (1) violations of the Fourteenth Amendment in count VI of the complaint, (2) a conspiracy under 42 U.S.C. § 1983 to violate the Fourteenth Amendment in count VII of the complaint, and (3) violations of the Pennsylvania Constitution in count XI of the complaint, are **DISMISSED WITH PREJUDICE**;

5. The clerk of court shall **TERMINATE** Defendant Mark C. Baldwin as a defendant; and

6. Defendants Angel Cabrera, Bruce Dietrich, and the City of Reading shall have **twenty-one (21) days** from the date of this order to file an answer to the complaint.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.